

REMARKS

Claims 1-36 and 42-47 were pending prior to this Response. Applicants address each of the objections and rejections in the order in which they appear in the Action.

I. Priority

The Office Action states that the Applicant must submit an oath, declaration or application data sheet in compliance with 35 U.S.C. §119(a)-(d), acknowledging the filing of any foreign application.

Applicants submit herewith an Application Data Sheet reiterating the claim of priority to the UK priority document.

II. Section 102 Rejections Overcome

Claims 1, 3, 6, 8, 10, 11, 13, 15-36, and 42-47 remain rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2007/0095853 A1 (Bonney *et al.*). Applicants respectfully traverse this rejection.

The Examiner's attention is drawn to MPEP 2136.03, concerning FOREIGN PRIORITY DATES states that a *Reference's Foreign Priority Date Under 35 U.S.C. 119(a)-(d) and (f) Cannot Be Used as the 35 U.S.C. 102(e) Reference Date*. According to this section, 35 U.S.C. 102(e) is explicitly limited to certain references 'filed in the United States before the invention thereof by the applicant'. Foreign applications' filing dates that are claimed (via 35 U.S.C. 119(a) – (d), (f) or 365(a)) in applications, which have been published as U.S. or WIPO application publications or patented in the U.S., may not be used as 35 U.S.C. 102(e) dates for prior art purposes. This includes international filing dates claimed as foreign priority dates under 35 U.S.C. 365(a). Therefore, the foreign priority date of the reference under 35 U.S.C. 119(a)-(d) (f), and 365(a) cannot be used to antedate the application filing date.

US2007/0095853 published on 3 May 2007 has an effective prior art date of 4 February 2005, its PCT filing date. The GB date is irrelevant. As the present application claims priority from GB 0405477.1, filed on 11 March, 2004. As 11 March 2004 is prior to the effective 102(e) prior art date of Bonney, 4 February 2005, Bonney is not a prior art to the present application.

Withdrawal of the 102(e) rejection is hereby requested.

III. Section 103(a) Rejection Overcome

Claims 2, 4, 5, 7, 9, 10, 12, and 14 remain rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2007/0095853 A1 (Bonney *et al.*). Applicants respectfully traverse these rejections.

As presented in the preceding section, US2007/0095853 is not prior art to the present application, and therefore cannot be the basis of a finding of obviousness. Withdrawal of the obviousness rejection is hereby requested.

IV. Conclusion

All claim rejections being addressed in full, Applicants respectfully request the withdrawal of the outstanding objections and rejections and the issuance of a Notice of Allowance. Should the Examiner have any questions regarding the foregoing, Applicants respectfully request that the Examiner contact the undersigned, who can be reached at (919) 483-8022.

Respectfully submitted,

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Date: 1 June 2010

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